

U. S. District Bankruptcy Court  
Western District of Texas  
San Antonio Division

RHETT WEBSTER PEASE  
Plaintiff

v.

FIRST NATIONAL BANK OF GIDDINGS  
WRIGHT & GREENHILL, P.C.  
Defendants

§ CAUSE No: 10-5011 C  
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FILED  
MAR 31 2010  
U.S. BANKRUPTCY COURT  
BY EL DEPUTY

**PRAECIPE TO COURT CLERK GEORGE PRENTICE**  
**AND CHIEF DEPUTY STEVE SALATA**

You are commanded to sign and enter the Clerk's Entry of Default, presented to you and on file in the above reference case for your signature, or in the alternative answer the following question so that I might determine whether or not you are acting within the law and/or whether or not my command is proper, and to provide the basis of determining those issues of controversy of law or of fact for further litigation if necessary. If your answers are different from the ones indicated, please support your position with evidence.

1. Are you bound by the Rules of Court as contained in the Federal Rules of Civil Procedure, hereinafter FRCP? If no other answer is provide, the answer is Yes.
2. Are the Rules of Court for the UNITED STATES BANKRUPTCY COURT FOR THE WESTER DISTRICT OF TEXAS, SAN ANTONIO DIVISION, hereinafter Bankruptcy Rules, SUBSTANTIALLY different from the FRCP? If no other answer is given, the answer is No.
3. If there is a conflict between the FRCP and the Bankruptcy Rules, which rules control? If no other answer is given, the answer is FRCP.

4. If there is a conflict between the Rules of Court for the State of Texas, herein Texas Rules, and the FRCP and/or Bankruptcy Rules, in this removed case, which control? If no other answer is given, the answer is Texas Rules.
5. Does the record show that WRIGHT & GREENHILL, P.C., hereinafter Defendant, was personally served on January 28, 2010? If no other answer is given the answer is Yes.
6. Does the record show that Defendant had thirty days to answer after issuance of summons? If no other answer is given, the answer is Yes.
7. Does the record show that the summons was issued January 28, 2010? If no other answer is given, the answer is Yes.
8. Is the last time to answer and not be in default midnight of March 1, 2010? If no other answer is given, the answer is Yes.
9. Did the Defendant answer timely? If no other answer is given, the answer is No.
10. Does the time to answer end when the Plaintiff's Request for Entry of Default and Default Judgment is submitted to court for filing after the end of the statutory time to answer? If no other answer is given, the answer is Yes.
11. Did the clerk receive Plaintiff's Request for Entry of Default & Default Judgment no later than March 18, 2010? If no other answer is given, the answer is Yes.
12. Is it the ministerial duty of the clerk to sign and file an entry of default when the Defendant does not timely answer and a Motion for Entry of Default is made? If no other answer is given, the answer is Yes.
13. Did the clerk enter the Motion for Entry of Default & Default Judgment into the record of the court (the docket)? If no other answer is given, the answer is No.

14. Does the clerk have the discretion, under the Rules, to arbitrarily refuse to enter a filing presented to the court? If no other answer is given, the answer is No.
15. If there was a defect in the Motion, did the clerk inform Plaintiff of said defect? If no other answer is given, the answer is No.
16. Did the Defendant file an answer subsequent to Plaintiff's Request for Entry of Default and Default Judgment? If no other answer is given, the answer is No.
17. Are you bonded to indemnify me against any damages that might incur if it can be determined that you have acted in excess of discretion in refusing to file and sign the Entry of Default or otherwise enter the Default and that I have a right to claim a damage against the Bond? If no other answer is given, the answer is Yes.
18. Are you subject to Title 5 of the United States Code as an administrative agency? If no other answer is given, the answer is Yes.
19. Does your refusal to perform this ministerial duty constitute nonfeasance in the performance of a public office? If no other answer is given, the answer is Yes.
20. By your failure to perform this ministerial duty are you denying me a remedy authorized by the laws of the United States? If no other answer is given, the answer is Yes.
21. Does your refusal to perform this ministerial duty rise to the level of obstruction of justice? If no other answer is given, the answer is Yes.
22. Does equity aid those who sleep on their rights? If no other answer is given, the answer is No.
23. Do your acts rise to the level of hindering my remedy without cause? If no other answer is given, the answer is Yes.

24. By what authority do you rely on to refuse to file the Motion and enter the default? If no other answer is given, the answer is Color of Law.

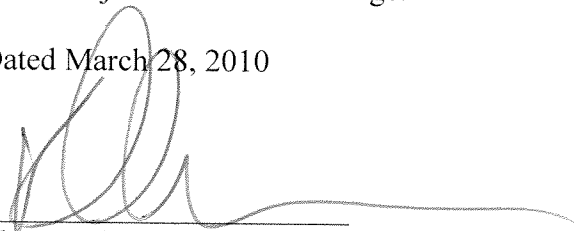
25. Would the rights of the Defendant be prejudiced by your entering of the Default. If no other answer is given, the answer is No.

26. What is the Defendant's remedy upon the entry of Default? If no other answer is given, the answer is for Defendant to make a challenge under Rule 60b of the FRCP or Bankruptcy Rules analog.

27. Does your failure to answer or perform your duty as required by this Praeipe constitute your permission to file an action for removal from office under Quo-Warranto? If no other answer is given, the answer is Yes.

I give you three days from time of service to (1) file the Motion for Entry of Default & Default Judgment in the record of the court, (2) enter a Clerk's Entry of Default into the record, (3) answer the above questions, or (4) request an extension of time to answer, for cause, providing a date certain upon which you will answer. Otherwise it shall be deemed that the answers to the questions are approved by you and no subject to future challenge.

Dated March 28, 2010



Rhett Webster Pease, Plaintiff, Damaged Party

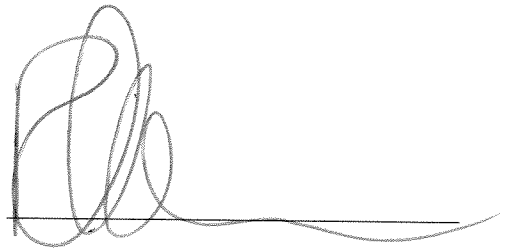
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the foregoing PARECIPT TO COURT CLERK GEORGE PRENTICE AND DEPUTY COURT CLERK STEVE SALATA, by mailing the same, postage prepaid, on the 29<sup>th</sup> day of March, 2010 to the following:

George Prentice, Bankruptcy Clerk  
U. S. Bankruptcy Court  
615 East Houston Street  
San Antonio, TX 78205-2001

7006 3450 0001 4558 5238

WRIGHT & GREENHILL  
221 West 6<sup>th</sup> Street  
Austin, TX 78701-3495

A handwritten signature in black ink, appearing to be 'G. Prentice', written over a horizontal line.